

be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution, and

That wherever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches, and

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City manager and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden Councilmen Pannell, and Steck, 3; nays, none; Councilmen Mueller and Reed absent

Councilman Pannell moved that the Council recess, subject to call of the Mayor. Motion was seconded by Mayor McFadden, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell and Steck, 3; nays, none, Councilmen Mueller and Reed absent.

The Council then recessed.

Approved: J. W. McFadden
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 18, 1930.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; absent, Councilman Mueller, 1.

The Minutes of the last meeting were read and Councilman Pannell moved the adoption of same as read. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

This being the day set for the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in certain units or districts of improvement as follows:

FIFTEENTH STREET from the East line of Congress Avenue to the West line of Red River Street, Unit or District No. P-92;

FIFTEENTH STREET from the East line of Red River Street to the East line of Sabine Street, Unit or District No. P-93;

FIFTEENTH STREET from the East line of Sabine Street to the West line of East Avenue, Unit or District No. P-94;

SAN ANTONIO STREET from the North line of West Sixth Street to the South line of West Seventh Street, Unit or District No. P-100;

ELEVENTH STREET from the East line of Guadalupe Street to the West line of Lavaca Street, Unit or District No. P-101;

EIGHTEENTH STREET from the West line of Congress Avenue to the East line of Guadalupe Street, Unit or District No. P-104;

BRAZOS STREET from the North line of East First Street to the South line of East Second Street, Unit or District No. P-91;

all as awarded to Southwest Bitulithic Company; and

OHICON STREET from the North line of First Street to the South line of Seventh Street, Unit or District No. P-64;

THIRTY-EIGHTH STREET from the East line of Guadalupe Street to the West line of Duval Street, Unit or District No. P-85;

ALLEY IN BLOCK 86 BETWEEN SEVENTH AND EIGHTH STREETS from the East line of San Jacinto Street to the West line of Trinity Street, Unit or District No. P-84;

all as awarded to L. E. Whitham & Company,

the Mayor thereupon stated that all persons desiring to protest against the levying of assessments against abutting property on any of the above mentioned streets and within the limits above stated, or who desired to be heard with reference to the amounts proposed to be assessed against said property and the owners thereof, the lien and liability thereof, the special benefits to the property and the owners thereof, or any other matters or things authorized by the provisions of Article XXIV of the Charter of the City of Austin to be urged and considered at this hearing would now be heard from and thereupon the following parties appeared and were heard:

On Fifteenth Street from Congress Avenue to Red River Street:

Miss Wilcox stated that she does not feel financially able to pay for paving on this street at this time because of the fact that both streets on which her property abuts are in the paving program and she considers the burden too heavy.

Frank DeLashmutt stated that he thought it a useless expenditure of money to pave this street because it lead no where except to East Avenue and there were several parallel streets leading to this point which would be paved, therefore he saw no necessity for the paving of this street. He also stated that he would have to go into debt to pay for the paving.

On Eighteenth Street from Congress Avenue to Guadalupe Street:

Mrs. S. E. Askew, by written protest, stated that as there were through cross streets already paved, she saw no necessity for the paving of this street; that she was financially unable to pay for same by reason of having to pay for paving on other streets;

Mrs. Annie E. Sutton, by written protest, stated that the paving would not increase the value of her property any; and further, that there was no necessity for the paving of this street as there is a paved street within one block of same which would carry through traffic.

On Brazos Street from First to Second Streets:

H. L. Moffitt stated that the asphalt surface on this block which the property owners paid for about eight years ago is still in good condition and that he is financially unable at this time to pay for a repaving of same.

G. Flury stated that he objected for the same reasons that Mr. Moffitt did and also added that he would be willing to pay for the paving on this block about a year from now when he shall have recovered from the expense of paving on other streets.

A written protest signed by the property owners in this block protesting the repaving of said block was read.

On 35TH Street from Guadalupe to Duval Streets:

Joe C. Matthews, representing his mother, asked that the paving of this street be postponed for a while to enable them to recover from the expense of paving on other streets.

L. Lowenstein asked that this paving be deferred for a while as he has paid for paving on other streets and is not financially able at this time to pay for any additional paving.

C. D. Millhouse stated that he was ready and willing to pave if all the property owners would sign up, but that he did not wish the street paved if there were to be any skips.

Thereupon Clyde Hailey was called as a witness and, being duly sworn, testified that he had resided in the City of Austin for several years; that he was well acquainted with the values of the property abutting upon each of the Units or Districts as to which these hearings were being held; that he is acquainted with the type of paving which is proposed to be constructed upon said Units or Districts as to which these hearings were being held; and that in his opinion each parcel of abutting property would be enhanced in value by reason of the construction of the proposed improvements in an amount in excess of the amount proposed to be assessed against the same, as set out on the Engineer's Roll on file relating to such Units or Districts of Improvement.

No other witnesses being offered or desiring to be heard, and no other interested parties or owners having requested to be heard, the Mayor thereupon moved that the hearing on East Fifteenth Street from Red River to Sabine Streets and from Sabine Street to East Avenue be continued until the next regular meeting. Motion was seconded by Councilman Steck, and same prevailed by the following vote: A yes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none, Councilman Mueller absent, 1.

The Mayor then laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND
LEVYING ASSESSMENTS FOR PART
OF THE COST OF IMPROVING POR-
TIONS OF BRAZOS STREET IN THE
CITY OF AUSTIN, TEXAS, FIXING
A CHARGE AND LIEN AGAINST PROP-
ERTY ABUTTING THEREON AND
AGAINST THE OWNERS THEREOF, PRO-
VIDING FOR THE COLLECTION OF
SUCH ASSESSMENTS AND THE ISSU-
ANCE OF ASSIGNABLE CERTIFICATES
IN EVIDENCE THEREOF.

The above ordinance was read the first time and Councilman Pannell moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the second time and Councilman Pannell moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none, Councilman Mueller absent, 1.

The ordinance was read the third time and Councilman Pannell moved that same be finally passed. Motion was seconded by Councilman Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF FIFTEENTH STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, FIXING A CHARGE AND LIEN AGAINST PROPERTY ABUTTING THEREON AND AGAINST THE OWNERS THEREOF, PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS AND THE ISSUANCE OF ASSIGNABLE CERTIFICATES IN EVIDENCE THEREOF.

The above ordinance was read the first time and Councilman Pannell moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the second time and Councilman Pannell moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the third time and Councilman Pannell moved that same be finally passed. Motion was seconded by Councilman Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

Harris Gardner, representing the Exchange Club, appeared before the Council and requested that a codification of the traffic ordinances of the City be made with a view to having same printed in pamphlet form for distribution in an educational campaign for stricter observance of traffic regulations. The Council assured Mr. Gardner that they were vitally interested in the matter and would take same under advisement.

Reports of Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the paving on East Avenue from the South line of Sixteenth Street to the North line of Twenty-third Street or Manor Road, Units or Districts Nos. 50 and 51, had been completed in accordance with plans and specifications and recommending the acceptance of same, were read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY ON PORTIONS OF EAST AVENUE IN THE CITY OF AUSTIN, PROVIDING FOR PAYMENT OF ANY BALANCE DUE BY THE CITY FOR ITS PORTION OF THE COST OF SAID IMPROVEMENTS AND FOR THE DELIVERY OF CERTIFICATES OF ASSESSMENTS AGAINST ABUTTING PROPERTY AND ITS OWNERS.

WHEREAS, on the 17th day of April, 1930, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

EAST AVENUE from the south property line of Sixteenth Street to the south property line of Nineteenth Street, known and designated as Unit or District No. 50; and

EAST AVENUE from the south property line of Nineteenth Street to the north property line of Twenty-third Street or Manor Road, known and designated as Unit or District No. 51; and

WHEREAS, said contractor has fully completed the street improvements upon said units or districts of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portions of East Avenue hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretofore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steek, 4; nays, none; Councilman Mueller absent, 1.

The Roll or Statement of H. R. F. Helland, Consulting Engineer, showing an estimate of the cost of improvements chargeable to the Street Railway Company on West Sixth Street from West Lynn Street to the bridge of the I&GN Railway Company, was read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING ESTIMATE OF THE COST OF IMPROVEMENTS AND OF THE AMOUNT TO BE LEVIED AS A SPECIAL TAX FOR IMPROVEMENTS ON A PORTION OF WEST SIXTH STREET, FIXING TIME AND PLACE FOR HEARING TO THE OWNER OF THE STREET RAILWAY USING AND OCCUPYING SAID PORTION OF STREET AND OTHERS INTERESTED, AND DIRECTING THE CITY MANAGER TO GIVE NOTICE.

WHEREAS, the City Council of the City of Austin has heretofore ordered that a portion of WEST SIXTH STREET between the West line of West Lynn Street and the West line of the International Great Northern Railway Company, which is situated between and under the rails, tracks, double tracks, turn-outs and switches of the street railway using and occupying said street and on each side thereof, being 7 feet, 1 inch in width; that is to say, 3 feet, 6½ inches on each side of center line between tracks, be improved by excavating, grading and paving with two (2) inch Warrenite Bitulithic Wearing Surface on a five (5) inch concrete base for areas outside of the rails and a seven (7) inch concrete pavement between the rails

with additional concrete support in trench under rails, all in accordance with the plans and specifications therefor prepared by the Consulting Engineer now on file with the City, and contract therefor has been made and entered into with Southwest Bitulithic Company; and

WHEREAS, the City Council has caused the Consulting Engineer of the City to prepare and file an estimate of the cost of said improvements and an estimate of the amount proposed to be levied as a special tax against the street railway using and occupying said portion of street and its road-bed, ties, rails, fixtures, rights and franchises and the owner thereof and such estimate has been examined:

THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That such estimate be and the same is hereby adopted and approved.

II.

That it is hereby found and determined that the cost of the improvements on that portion of West Sixth Street between the West line of West Lynn Street and the West line of the International Great Northern Railway Company which is situated between and under the rails, tracks, double tracks, turn-outs and switches of the street railway using and occupying said street and on each side thereof, being 7 feet, 1 inch in width; that is to say, 3 feet, 6½ inches on each side of center line between tracks, with the amount proposed to be levied as a special tax for such improvements against said street railway and the owner thereof are as follows, to-wit:

Estimated cost of the improvements is \$3,258.50.

Estimated amount proposed to be levied as a special tax against said street railway and its road-bed, ties, rails, fixtures, rights and franchises and against the owner thereof is \$2651.29.

III.

That a hearing be given and held by and before the City Council of the City of Austin, Texas, to the owner of the street railway using and occupying said portion of street, as well as all owning or claiming any interest in said street railway, and such hearing shall be given and held on the 2nd day of January, 1931, at 10:30 o'clock A. M., in the regular council meeting room in the City Hall in the City of Austin, Texas, and the City Manager is hereby directed to give notice of the time and place of such hearing and of other matters and facts in accordance with the terms and provisions of Article XXIV of the charter of the City of Austin. Such hearing shall be by advertisement inserted at least three times in a newspaper published in the City of Austin, Texas, the first publication to be made at least ten days before the date of said hearing, and said notice shall comply with and be in accordance with the terms and provisions of said Article XXIV of said charter.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

Reports of L. E. Whitham & Company and H. R. F. Helland, Consulting Engineer, stating that the paving on Seventh Street from the east line of Brazos Street to the east line of Trinity Street, District No. 39, and from the east line of Trinity Street to the west line of East Avenue, District No. 40, has been completed in accord-

ance with plans and specifications, and recommending the acceptance of same, were read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS,
ACCEPTING THE IMPROVEMENT OF A PORTION
OF EAST SEVENTH STREET, IN THE CITY OF
AUSTIN, AND AUTHORIZING THE PAYMENT OF
THE BALANCE DUE BY THE CITY OF AUSTIN
AND THE ISSUANCE AND DELIVERY OF CER-
TIFICATES OF SPECIAL ASSESSMENT AGAINST
OWNERS OF ABUTTING PROPERTY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That, WHEREAS, heretofore the hereinafter described street was ordered improved, contract for said work of improvement duly entered into, and assessment levied against abutting property and the owners thereof to cover the portion of the cost payable by the said property owners; and

WHEREAS, pursuant to said contract and other proceedings in connection therewith, L. E. Whitham & Company has completed the improvement of the following street, to-wit:

EAST SEVENTH STREET from the East line of Brazos Street to the East line of Trinity Street, known and designated as Unit or District No. 39;

EAST SEVENTH STREET from the East line of Trinity Street to the West line of East Avenue, known and designated as Unit or District No. 40.

WHEREAS, said improvement is in strict compliance with the terms of said contract, specifications adopted for said improvement, and other proceedings in connection therewith; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said improvement on said portion of said street be and the same is hereby accepted as in full compliance with the terms of said contract, specifications and proceedings, and the final estimate due from the City of Austin to L. E. Whitham & Company be and the same is hereby ordered paid.

That the Mayor and City Clerk be and are hereby authorized and instructed to issue, execute and deliver to L. E. Whitham & Company certificates of special assessment against the abutting property and the owners thereof, evidencing the several sums of money assessed against said property and the owners thereof respectively for their pro rata of the cost of said improvement, in accordance with the terms of said contract and proceedings.

That this resolution shall take effect and be in force from and after its passage.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

Reports of L. E. Whitham & Company and H. R. F. Helland, Consulting Engineer, stating that the paving on San Jacinto Street from the north line of East Sixth Street to the south line of East Seventh Street, District No. 34, and from the north line of East Seventh Street to the south line of East Ninth Street, District No. 35, has been completed in accordance with plans and specifications and recommending acceptance of same, were read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS, ACCEPTING THE IMPROVEMENT OF A PORTION OF SAN JACINTO STREET, IN THE CITY OF AUSTIN, AND AUTHORIZING THE PAYMENT OF THE BALANCE DUE BY THE CITY OF AUSTIN AND THE ISSUANCE AND DELIVERY OF CERTIFICATES OF SPECIAL ASSESSMENT AGAINST OWNERS OF ABUTTING PROPERTY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That, WHEREAS, heretofore the hereinafter described street was ordered improved, contract for said work of improvement duly entered into, and assessment levied against abutting property and the owners thereof to cover the portion of the cost payable by the said property owners; and

WHEREAS, pursuant to said contract and other proceedings in connection therewith L. E. Whitham & Company has completed the improvement of the following street, to-wit:

SAN JACINTO STREET from the north line of East Sixth Street to the south line of East Seventh Street, known and designated as Unit or District No. 34;

SAN JACINTO STREET from the north line of East Seventh Street to the south line of East Ninth Street, known and designated as Unit or District No. 35.

WHEREAS, said improvement is in strict compliance with the terms of said contract, specifications adopted for said improvement, and other proceedings in connection therewith; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said improvement on said portion of said street be and the same is hereby accepted as in full compliance with the terms of said contract, specifications and proceedings, and the final estimate due from the City of Austin to L. E. Whitham & Company be and the same is hereby ordered paid.

That the Mayor and City Clerk be and are hereby authorized and instructed to issue, execute and deliver to L. E. Whitham & Company certificates of special assessment against the abutting property and the owners thereof, evidencing the several sums of money assessed against said property and the owners thereof respectively for their pro rata of the cost of said improvement, in accordance with the terms of said contract and proceedings.

That this resolution shall take effect and be in force from and after its passage.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS, DETERMINING THE ADVISABILITY OF REDUCING THE WIDTH OF THE PAVEMENT HERETOFORE ORDERED CONSTRUCTED ON TRINITY STREET AND SUNDRY OTHER STREETS AND DIRECTING THE CONSULTING ENGINEER TO PREPARE A REVISED ROLL OR STATEMENT, AND CLOSING HEARING.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That, whereas, the City of Austin heretofore determined the necessity of levying an assessment for a part of the cost of improving the following streets in the City of Austin, to-wit:

TRINITY STREET from the north line of Sixth Street to the south line of Seventh Street, known and designated as Unit or District No. P-88;

NECHES STREET from the north line of Sixth Street to the south line of Seventh Street, known and designated as Unit or District No. P-89;

WHEREAS, said ordinance provided a hearing to the owners of property on said streets, which said hearing was held on the 11th day of December, 1930, and continued until this date; and, whereas, a large number of property owners have objected to the making of said pavement 60 feet in width, and desire the width of said street reduced; and, whereas, the City Council after carefully considering the matter, is of the opinion that it will be for the benefit of abutting property owners to reduce the width of said improvements on District P-88 from 60 feet to 56 feet in width and on District P-89 from 60 feet to 56 feet in width; Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Consulting Engineer be and is hereby instructed to prepare a new roll or statement showing the amounts to be assessed against the property owners, based upon a width of 56 feet on District P-88 and 56 feet on District P-89. That upon the filing of said revised roll or statement by the Consulting Engineer an ordinance be duly passed providing for a hearing to property owners on said revised estimate of the cost. That the hearing heretofore held and continued to the present time on the streets above described be and the same is hereby closed so far as said streets are concerned.

That this resolution shall take effect and be in force from and after its passage.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS,
DETERMINING THE ADVISABILITY OF CORRECT-
ING THE ROLL FOR THE PAVEMENT HERETOFORE
ORDERED CONSTRUCTED ON CHICON STREET AND
DIRECTING THE CONSULTING ENGINEER TO
PREPARE A REVISED ROLL OR STATEMENT, AND
CLOSING HEARING.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That, whereas, the City of Austin heretofore determined the necessity of levying an assessment for a part of the cost of improving the following street in the City of Austin, to-wit:

CHICON STREET from the north line of First Street to the south line of Seventh Street, known and designated as Unit or District No. P-64;

WHEREAS, said ordinance provided a hearing to the owners of property on said street, which said hearing was held on the 18th day of December, 1930; and, whereas, a discrepancy exists in the estimated cost of the improvement on such highway or portion thereof, the property owners having been notified that the estimated total cost of the improvement on such highway or portion thereof was \$30,563.72; whereas, the correct total is \$20,547.80; and whereas, the City Council after carefully considering the matter is of the opinion that it will be for the benefit of abutting property owners to cancel the hearing held this day on District No. P-64; Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Consulting Engineer be and is hereby instructed to prepare a new and corrected roll or statement showing the amounts to be assessed against the property owners. That upon the filing of said revised roll or statement by the Consulting Engineer an ordinance be duly passed providing for a hearing to property owners on said revised estimate of the cost. That the hearing heretofore held and continued to the present time on the street above described be and the same is hereby closed so far as said street is concerned.

That this resolution shall take effect and be in force from and after its passage.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of Ten Thousand Dollars (\$10,000.00) be and the same is hereby transferred from the Water and Light Fund to the General Fund; said amount being partial payment of loans made by the General Fund to the Water and Light Fund.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A 4 inch low pressure gas main in East Thirty-Fourth Street from the east line of Red River Street to the west line of Cameron Road, the center line of which gas main shall be 18 feet south of and parallel to the north line of said East Thirty-Fourth Street. Said gas main described above shall have a cover of not less than 2 feet.

(2) A gas main in Salina Street beginning at a point 3 feet north of and 9 feet east of the intersection of the center line of Salina Street and the center line of Manor Road;

Thence in a southerly direction 9 feet east of and parallel to the center line of said Salina Street a distance of approximately one block to the south line of East Twenty-second Street. Said gas main described above shall have a cover of not less than 2½ feet.

(3) A 4 inch low pressure gas main from the west line of Pleasant Valley Road to the east line of Pleasant Valley Road, the center line of which gas main shall be 8½ feet north of and parallel to the south line produced of East First Street. Said gas main described above shall have a cover of not less than 3 feet.

(4) A 4 inch low pressure gas main in Pleasant Valley Road beginning at a point 8½ feet north of and 13 feet east of the intersection of the south line produced of East First Street and the center line of said Pleasant Valley Road;

Thence in a northerly direction 13 feet east of and parallel to the center line of said Pleasant Valley Road a distance of approximately four (4) blocks to the south line of East Fifth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(5) A 4 inch gas main in Poydras Street from Manor Road to the south line of the Dancy Addition, the center line of which gas main shall be 10 feet west of and parallel to the center line of said Poydras Street.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution; and

That wherever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches; and

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, the premises abutting the east and west side of Marathon Boulevard from the north line from West 40th Street to the south line of West 42nd Street have never been numbered in accordance with the City of Austin's scheme of numbering houses; and

WHEREAS, the City Engineer has made a study of the situation and prepared a map showing the recommended scheme of numbering, and said map has been reviewed by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the premises abutting the east and west side of Marathon Boulevard from the north line of West 40th Street to the south line of West 42nd Street be numbered in accordance with the recommended house numbers shown on the plat hereto attached marked 2-C-372, which plat is hereby made a part of this resolution.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, there appears to be due and delinquent city taxes for the years 1923, 1924, 1925, and 1926 against Lot 11, Block 30, Travis Heights Addition to the City of Austin, during which years said property was owned by L. S. Bryant, and upon which a vendor's lien was held by Mrs. V. L. Brooks; and

WHEREAS, it has been shown that on December 20, 1928, Henry H. Brooks, as agent for said Mrs. V. L. Brooks, called upon the Tax Department for a statement of the entire amount of taxes due against the above mentioned property up to that date, and that thereupon he was informed of a certain amount of taxes as being all the taxes due upon said property at that time, which information did not cover the taxes for said years above first stated; and that thereupon the amount of said taxes, as informed by the Tax Department, were paid by said Brooks; and

WHEREAS, thereafter said Mrs. V. L. Brooks foreclosed her lien against said property, but was deprived of the opportunity to ask for judgment against said Bryant for the taxes for the years first above mentioned, which she represents she would have paid, if informed thereof, and protected such payment by a judgment against said Brooks; and

WHEREAS, said Mrs. V. L. Brooks, under said foreclosure, is now the owner of said property, and proposes to pay all of said taxes for said years, together with the court costs, provided the City will remit penalties and interest that have accrued on same; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That in consideration of the premises, all penalties and interest that have accrued on account of the taxes for the years 1923, 1924, 1925, and 1926, upon

Lot 11, Block 30, Travis Heights Addition to the City of Austin, be and the same are hereby remitted and cancelled, provided that said taxes be paid by said present owner before December 31, 1930.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

A communication from R. A. Spears proposing to eliminate the erection of a garage in connection with a filling station at 2829 Rio Grande Street if the Council would grant him permission to erect said filling station, was read and ordered filed.

The Mayor laid before the Council the following:

"Austin, Texas, December 18, 1930.

Mr. Adam R. Johnson,
City Manager,
Austin, Texas.

Dear Sir:

We, the members of the Safety Committee of the City of Austin, have considered the plans presented by Messrs. M. O. Parrish and Claude Voyles, lessees of Mrs. Pauline Abbott and Mrs. Adeline Benzanilla, for permit to construct and operate a drive-in gasoline filling station at the southwest corner of 5th and San Jacinto Streets, being legally described as Lot No. 7, Block No. 41 of the Original City of Austin, Texas.

We, the Safety Committee, recommend that said permit be granted, subject to the following conditions:

- (1) That all buildings and equipment shall be placed inside the property line, correct lines to be obtained before construction starts or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector, sidewalk grades to be secured from the Engineering Department before commencing any building construction.
- (2) That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
- (3) That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State Regulations governing such installations. All equipment to be inspected and approved before being placed in service.
- (4) That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any way obstruct the sidewalk, street or alleyway. That the pumps shall be at least ten (10) feet inside the property line and that no buildings, pumps, or equipment shall be less than thirty (30) feet from adjoining residence. That the length of all water hose shall be such that any water leaking from same can not reach the City sidewalk area and that the length of all gasoline hose shall be such that a car desiring service can not be served while any portion of said car is on the City sidewalk area.
- (5) That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.
- (6) That "NO SMOKING" signs shall be displayed at all times and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.
- (7) That there shall be kept in an accessible place at all times a chemical fire extinguisher for emergency purposes.
- (8) That the grades of the station shall be such that no waste oils or water or any floor washing shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into combined grease and sand trap, which said trap shall be constructed in accordance with out plan 2-H-48, and shall be conducted by an 8 inch pipe connection from said trap to the nearest City storm sewer at the expense of the applicant. The applicant is hereby put upon notice that the nearest storm sewer is at the northwest corner of Fourth and San Jacinto Streets, and that the proposed connection will have to be constructed in the sidewalk area, and that the applicant will have to construct this storm sewer under the alley pavement return by use of the tunnelling method and that no street, alley paving or alley return paving will be permitted to be cut in the construction of this drain. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any city street or alley and shall deposit in escrow a sum equal to said

estimate with the City Finance Director.

(9) That all adjacent walks, ramps, gutters and curbs shall be constructed of concrete in accordance with Plan No. 2-H-137, which plan is hereby made a part of this resolution.

(10) That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector, and the mechanic employed by the applicant to install the gasoline equipment shall apply to the Plumbing Inspector for a special permit and shall give Plumbing Inspector sufficient notice when ready for inspection.

(11) That the applicant or the mechanic employed by the applicant to make the installation shall apply to the Inspector of Weights and Measures for inspection after the installation has been approved by the Plumbing Inspector.

(12) That before using said station the owner shall apply to the City Engineer for final inspection when he considers that he has complied with all of the requirements of the City.

CITY SAFETY COMMITTEE

By (Sgd) J. E. Woody, Fire Chief;

R. F. Rockwood, Fire Marshal;

Orin E. Metcalfe, City Engineer;

Tom Neal, Traffic Police Captain;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That permission shall be granted Messrs. M. C. Parrish and Claude Voyles to construct and operate a gasoline filling station at the southwest corner of Fifth and San Jacinto Streets, subject to the foregoing conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating gasoline filling stations, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that Messrs. M.C. Parrish and Claude Voyles have failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

"
Mr. Adam R. Johnson,
City Manager,
Austin, Texas.

Austin, Texas, December 11, 1930.

Dear Sir:

We, the members of the Safety Committee of the City of Austin, have considered the application of M. H. Crockett for a permit to construct and operate a gasoline filling station at the northwest corner of the intersection of Duval Street and Waller Creek Boulevard, which application was accompanied by a proposed layout sheet of said property and station, tentative approval of the site having already been granted by the City Council.

We, the Safety Committee, recommend that said permit be granted subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.

(2) That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.

(3) That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State Regulations governing such installations. All equipment to be inspected and approved before being placed in service.

(4) That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any way obstruct the sidewalk, street or alleyway. That the pumps shall be at least ten (10) feet inside the property line and that no buildings, pumps or equipment shall be less than thirty (30) feet from adjoining residence. That the length of all water hose shall be such that any water leaking from same can not reach the City sidewalk area and that the length of all gasoline hose shall be such that a car desiring service can not be served while any portion of said car is on the City sidewalk area.

(5) That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Inspector.

(6) That "NO SMOKING" signs shall be displayed at all times and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.

(7) That there shall be kept in an accessible place at all times a chemical fire extinguisher for emergency purposes.

(8) That the grades of the station shall be such that no waste oils or water or any floor washing shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-48, and shall be conducted by a pipe connection from said sand trap to the nearest City storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(9) That all adjacent walks, ramps, gutters and curbs shall be constructed of concrete before the station is used.

(10) That the applicant shall construct all walks, ramps, gutters and curbs of concrete in accordance with plan No. 2-H-136, which plan is hereby made a part of this resolution.

(11) That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector, and the mechanic employed by the applicant to install the gasoline equipment shall apply to the Plumbing Inspector for a special permit and shall give Plumbing Inspector sufficient notice when ready for inspection.

(12) That the applicant or the mechanic employed by the applicant to make the installation shall apply to the Inspector of Weights and Measures for inspection after the installation has been approved by the Plumbing Inspector.

(13) That before using said station the owner shall apply to the City Engineer for final inspection when he considers that he has complied with all of the requirements of the City.

CITY SAFETY COMMITTEE

By (Sgd) J. E. Woody, Fire Chief;

R. F. Rockwood, Fire Marshal;

Orin E. Metcalfe, City Engineer;

Tom Neal, Traffic Police Captain;

L. A. Palmer, City Plumbing Inspector."

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That permission shall be granted, subject to the foregoing conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating drive-in stations or gasoline filling stations and said permission shall be held to be granted and accepted subject to all necessary reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that M. H. Crockett has failed and refused and will continue to fail and refuse to

perform any such conditions, regulations and ordinances.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following resolution:

WHEREAS, W. S. Drake has presented to the City Council a request for a permit to construct a rock curb on the regular curb line at the intersection of Pease Road and Windsor Road adjacent to Lot 4, Enfield "D" of Austin, Texas; and

WHEREAS, the specifications adopted by the City of Austin, Texas, August 20th, 1914, require that a special permit shall be granted by the City Council whenever any other kind of curb is granted other than a concrete curb; and

WHEREAS, the City Engineer has recommended that a rock curb be permitted adjacent to W. S. Drake's property, subject to said rock curb being constructed in accordance with the plan and specifications hereto attached and further subject to the construction of a standard concrete gutter by W. S. Drake adjacent to said curb;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That W. S. Drake be granted a permit to construct a rock curb provided same is constructed in accordance with the plan and specifications hereto attached as shown on a plan marked 2-0-297, and also subject to W. S. Drake's constructing a concrete gutter adjacent to said rock curb, all of same to be constructed in accordance with lines and grades to be furnished by the City Engineering Department.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN,
TEXAS, CLOSING A HEARING GIVEN TO
PROPERTY OWNERS ON CHICON STREET
AND SUNDRY OTHER STREETS, IN THE
CITY OF AUSTIN, AND DECLARING AN
EMERGENCY.

The above ordinance was read the first time and Councilman Pannell moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the second time and Councilman Pannell moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent.

The ordinance was read the third time and Councilman Pannell moved that same be finally passed. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN,
TEXAS, LEVYING AN ASSESSMENT FOR
THE PAYMENT OF A PART OF THE COST
OF IMPROVING ALLEY IN BLOCK 86
AND THIRTY-EIGHTH STREET, IN THE
CITY OF AUSTIN, AND FIXING A LIEN
AGAINST PROPERTY ABUTTING ON SAID
ALLEY AND STREET, AND A PERSONAL
CHARGE AGAINST THE OWNERS THEREOF,
AND PROVIDING FOR THE COLLECTION
THEREOF, AND DECLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Pannell moved that the rule be suspended and the ordinance passed to its second reading. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the second time and Councilman Pannell moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the third time and Councilman Pannell moved that same be finally passed. Motion was seconded by Councilman Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,
DETERMINING THE NECESSITY FOR LEVYING
AN ASSESSMENT AGAINST THE PROPERTY AND
THE OWNERS THEREOF ON TRINITY STREET
AND SUNDRY OTHER STREETS, IN THE CITY
OF AUSTIN FOR A PART OF THE COST OF
IMPROVING SAID STREET, AND FIXING A
TIME FOR A HEARING OF THE OWNERS OR
AGENTS OF SAID OWNERS OF SAID PROPERTY,
OR OF ANY PERSONS INTERESTED IN SAID IM-
PROVEMENTS, AS PROVIDED BY THE CHARTER
OF THE CITY OF AUSTIN, AND DIRECTING
THE CITY MANAGER TO GIVE NOTICE OF SAID
HEARING AND EXAMINING AND APPROVING THE
ROLL OR STATEMENT OF THE CONSULTING EN-
GINEER, AND DECLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Pannell moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Reed and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the second time and Councilman Pannell moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The ordinance was read the third time and Councilman Pannell moved that same be finally passed. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none; Councilman Mueller absent, 1.

The Mayor laid before the Council the following ordinance: